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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Canada, Czech Republic, Iceland, Ireland, Micronesia (Federated States of), Netherlands, Portugal, Sweden and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 56/171 of 19 December 2001, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the commitment made by the Government of the Islamic Republic of Iran to strengthen respect for human rights in the country and to promote the rule of law,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 44/25, annex.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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1. *Welcomes*:

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002;

(b) The visit of the Working Group on Arbitrary Detention of the Commission on Human Rights to the Islamic Republic of Iran in February 2003 and its subsequent report;[6]

(c) The visit of the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to the Islamic Republic of Iran in November 2003 and the scheduled visit of the Working Group on Enforced Disappearances of the Commission in February 2004;

(d) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(e) The efforts by the elected Government to foster the growth of civil society;

2. *Expresses its serious concern* at:

(a) The continuing violations of human rights in the Islamic Republic of Iran;

(b) The continued deterioration of the situation with regard to freedom of opinion and expression, especially the increased persecution for the peaceful expression of political views, including arrest, detention without charge or trial; crackdowns by judiciary and security forces against journalists, parliamentarians, students, clerics and academics; and the harsh reactions to student demonstrations, including the imprisonment, mistreatment and use of university disciplinary committees against those who participate;

(c) The continuing executions in the absence of respect for internationally recognized safeguards, and in particular deplores public executions;

(d) The use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation and flogging;

(e) The continued restrictions on free assembly and forcible dissolution of political parties;

(f) The failure to comply fully with international standards in the administration of justice, the absence of due process of law, the use of national security laws to deny the rights of the individual and the lack of respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities;

(g) The systemic discrimination against women and girls in law and in practice and the refusal of the Guardian Council to take steps to address this systematic discrimination, noting in this context its refusal, in August 2003, to

[6] E/CN.4/2004/3/Add.2 and Corr.1.

consider the elected Parliament's proposal to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[7]

(h) The continuing discrimination against persons belonging to minorities, including against the Baha'is, Christians, Jews and Sunnis, including cases of arbitrary arrest and detention, the denial of free worship or publicly carrying out of communal affairs and the disregard of property rights;

(i) The continued persecution and arbitrary sentencing to prison of human rights defenders, political opponents, religious dissenters and reformists;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To abide by its obligations freely undertaken under the International Covenants on Human Rights[2] and other international human rights instruments, including those relating to freedom of opinion and expression, the use of torture and other forms of cruel, inhuman and degrading treatment or punishment and the promotion and protection of the human rights of women and girls, and to continue its efforts to consolidate respect for human rights and the rule of law;

(b) To respond fully to the recommendations of the Working Group on Arbitrary Detention;

(c) To continue to cooperate with United Nations mechanisms, in particular with the Special Rapporteur on freedom of expression and the Working Group on Enforced Disappearances, and to respond fully to their recommendations;

(d) To expedite judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary, and in this context to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups;

(e) To appoint an impartial prosecutor, noting the re-establishment, since December 2001, within the Islamic Republic of Iran of the Office of the Prosecutor General;

(f) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities, including the Baha'is, Christians, Jews and Sunnis, and to address this matter in an open manner, with the full participation of the minorities themselves;

(g) To take all necessary measures to end amputation and public flogging and to vigorously pursue penitentiary reform;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, including the Special Rapporteur of the Commission on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit the Islamic Republic of Iran, and encourages the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to respond fully to their subsequent recommendations;

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[7] Resolution 34/180, annex.

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-ninth session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.